


FLORIDA HIGHWAY PATROL

POLICY MANUAL

	SUBJECT COLLECTION AND PRESERVATION OF EVIDENCE	POLICY NUMBER 12.01
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12.01.01 PURPOSE

To define a member's responsibility for proper collection, preservation and control of evidence and property; and establish guidelines that will govern the disposition of all evidence and property which a member may obtain or receive in the course of their official duties.

12.01.02 POLICY

It is the policy of the Florida Highway Patrol that all members properly collect, process, control, and care for any evidence or property that may come into their possession. To achieve this goal, the Division has established both guidelines and specific responsibilities that will be strictly adhered to by its members.

12.01.03 DEFINITIONS

- A. **ABANDONED PROPERTY** - All tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner (Section 705.101, Florida Statutes).
- B. **CONTRABAND/CONTROLLED SUBSTANCES** - Contraband/controlled substances are those substances identified and defined in Chapter 563, F.S. (beverage laws), Chapter 831, F.S. (counterfeit currency laws), Chapter 849, F.S. (gambling laws), and Chapter 893, F.S. (controlled substances laws).
- C. **CONTROL NUMBER** - The E/P Control Number shall be automatically assigned by the evidence/property (E/P) computer program for each case submitted into the E/P control function. It is a 9 digit alpha numeric that identifies the troop, E/P room (district office designation number), year, and four digit sequential number. For example, an evidence/property item submitted to the E/P room at the Jacksonville FHP Office, Troop G, would be assigned "G-13-06-0125".
- D. **DIRECT DEPOSIT DOOR** - A direct deposit door (DDD) is a small metal compartment that is attached to the outer wall of the E/P room and is utilized for depositing evidence/property directly into the E/P room during times when no E/P supervisor is available on the premises. The DDD shall be designed to prohibit a person from touching or manipulating the contents of the E/P room.

- E. **EVIDENCE** - Any article or material which is seized, found, obtained in connection with, or which may be subject to investigation; or which may aid in establishing the identity of the perpetrator of a crime, or identified with any circumstances under which a crime or violation was committed.
- F. **EVIDENCE/PROPERTY CONTROL FUNCTION** - The security and control of seized, recovered, and evidentiary property as well as abandoned, lost, or found property in the custody of the Division. This process begins whenever the evidence/property is submitted directly to an E/P supervisor or placed into an E/P storage facility.
- G. **EVIDENCE/PROPERTY CUSTODIAN** – One lieutenant will be assigned to manage, facilitate, and coordinate the proper maintenance of the troop's E/P control function.
- H. **EVIDENCE/PROPERTY RECORD SYSTEM** - The complete record system which is maintained in the E/P room containing information about the inventory of evidence or property. This record system will include all transactions and chain of custody documentation from the point of seizure to the point of final disposal and will include: an E/P receipt, E/P case file, and E/P computer history for each article of evidence/property. It shall consist of all evidence/property submitted to the Division's E/P control function, including evidence/property submitted to an E/P control function operated by an outside agency.
- I. **EVIDENCE/PROPERTY ROOM** - The E/P room (EPR) is the primary storage area utilized to secure evidence/property and the E/P record system.
- J. **EVIDENCE/PROPERTY STORAGE FACILITY** - An E/P storage facility is that space which is designated as a facility for storage of evidence or seized/found property. E/P storage facilities refer to E/P rooms (EPRs), direct deposit doors (DDD's), temporary storage facilities (TSFs), vehicle impound facilities (VIFs), and refrigerators.
- K. **EVIDENCE/PROPERTY SUPERVISOR** - Refers to an E/P custodian or assistant E/P custodian.
- L. **FOUND PROPERTY** - Found property is any personal property found in or on public conveyances or premises at the time used for business purposes, parks, places of amusement, public recreation area, and other places open to the public. It may include lost property or abandoned property (Section 705.101, Florida Statutes).
- M. **LEAD INVESTIGATOR** - The member who assumes the final responsibility in the completion and collection of all reports which are related to a specific incident. A trooper shall be the lead investigator unless circumstances call for a more detailed report, such as a traffic homicide investigation (THI). In this instance, upon notification, the THI member would assume the responsibility as the lead investigator.
- N. **LOST PROPERTY** - All tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks,

places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition, or which has an apparent intrinsic value to the rightful owner (Section 705.101, Florida Statutes).

- O. **PERISHABLE EVIDENCE/PROPERTY** - Evidence/property that is perishable or liable to deterioration. Such property shall be handled in accordance with FHP policy and the Florida Department of Law Enforcement (FDLE) Crime Laboratory Evidence Submission Manual.
- P. **PERSONAL PROPERTY** - Personal property is defined as property of any kind, tangible or intangible, that is capable of being owned, possessed, used, and enjoyed, except real estate and anything permanently attached thereto (Section 116.22, Florida Statutes).
- Q. **PUBLIC PROPERTY** - Public property means any lands and improvements owned by the Federal Government, the State of Florida, the county or any municipality lying within a county of Florida, including buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, right-of-ways, and other similar property (Section 705.101, Florida Statutes).
- R. **SEIZED PROPERTY** - Seized property is any property taken into custody by a Division employee, pursuant to writ, statute or other legal authority. It includes any evidence/property that is submitted to the FHP evidence/property control function by any law enforcement officer employed by an outside agency.
- S. **TEMPORARY STORAGE FACILITY** - Temporary storage facilities (TSFs) are to provide for secure short-term storage of in-custody or evidentiary property.
- T. **UNCLAIMED EVIDENCE** - Any tangible personal property, including cash, not included within the definition of “contraband article,” as provided in Section 932.701(2), Florida Statutes, which was seized by a law enforcement agency, was intended for use in a criminal proceeding or quasi-criminal proceeding, and is retained by the law enforcement agency for 60 days after the final disposition of the proceeding (Section 705.105, Florida Statutes).
- U. **VEHICLE IMPOUND FACILITY** – A vehicle impound facility (VIF) is a government installation (owned, leased or controlled) utilized for secure storage of vehicles and other large items seized by FHP.
- V. **VEHICLES, VESSELS, OR AIRCRAFT USED IN THE TRANSPORTATION OF CONTRABAND ARTICLES** - Seized vehicles or aircraft used in violation of the Florida Contraband Forfeiture Act (Section 932.701, Florida Statutes).
- W. **WEAPONS OR FIREARMS** - Weapons or firearms identified and described in Chapter 790, F.S.

12.01.04 OBJECTIVES

- A. To ensure that evidence and property collection and preservation procedures conform to Florida Statutes, court orders and Division Policy.
- B. To protect the integrity of evidence by establishing and maintaining an unbroken chain of custody.

- C. To protect the rights of all individuals involved.
- D. To protect the integrity and of those members handling evidence or property.
- E. To minimize travel and reduce the time a member has personal possession of evidence or property.
- F. To establish progressive E/P policies, procedures and training programs that enhance the job proficiency and minimize the health risks for all Division personnel that handle evidence/property.

12.01.05 RESPONSIBILITIES

- A. Each troop, district, and sub-district will ensure that a member is available to process and handle all evidence or property which comes into the possession of the Division.
- B. Members are responsible for the proper collection and security of all evidence or property that comes into their possession including, but not limited to:
 - 1. Obtaining materials and substances from a known source, when available, for submission to a laboratory for comparison with physical evidence collected at a crash or crime scene. This is especially important with the analysis of hair, fiber, paint, and glass. The location from which known samples were obtained shall be recorded on the E/P receipt and a detailed investigative report.
 - 2. The proper marking, labeling, packaging, and delivery of all evidence or property personally collected.
 - 3. Documenting the chain of custody (COC). Copies of all COC documentation in which the member was involved is required.
 - 4. Checking all seized and recovered items with serial numbers through both FCIC/NCIC and local networks, in addition to providing the FHP duty officer with the necessary information to enter any information regarding the evidence or property into the FCIC/NCIC network.
 - 5. Attachment of all evidence or property related documentation for inclusion in the case report and E/P files.
 - 6. Retrieving and/or transporting evidence or property to or from an E/P storage facility or laboratory.
 - 7. Delivering of evidence to any court proceeding.
 - 8. Ensuring that all evidence or property is properly submitted to the E/P control function prior to the end of the member's work shift. If submitted to an E/P storage facility operated by an outside agency, a copy of the E/P receipt and accompanying report, along with the "other agency" property receipt will be submitted to the FHP E/P control function within 96 hours from the time of submission. If the "other agency" property receipt is not available at the time of submission (i.e., after-hours

deposit), then arrangements will be made by the E/P custodian to ensure that all such receipts are obtained and entered into the FHP E/P control function within seven days for placement into the E/P case file.

9. When appropriate, photographing, or recording by video camera if possible, all crime scenes and crash scenes.
 - a. This responsibility shall normally be assigned to a THI member. However, in the absence of a THI member, this responsibility shall be the responsibility of a supervisor with the appropriate training.
 - b. Members who collect evidence through the use of a still camera or video camera shall adhere to the following guidelines:
 - (1) Collection should consist of a detailed view of the scene.
 - (2) Members shall record important and significant elements of the scene such as tag numbers, skid marks, impact points, road signs, areas of final rest, and all other critical components of the scene.
 - c. Photographic film or a digital camera compact disk exposed or collected from a crash or crime scene will be sent to General Headquarters (GHQ) in Tallahassee for proper processing. The photo lab will be responsible for proper processing and handling of evidentiary photographs. Once the film/disk has been processed, a copy of the photographs will be returned to the lead investigator. The film negatives/disks from crash investigations are retained in GHQ. All other negatives/disks will be returned to the lead investigator. If special circumstances prevail, a supervisor may approve the use of a local photo lab; however, all negatives/disks regarding crash investigations shall be forwarded to the GHQ photo lab for archiving.
 - d. Photographic evidence dealing with a traffic homicide investigation will be retained in the local THI case report. General public records requests for photographs dealing with THI investigations shall be made through the THI Coordinator photo lab in GHQ.
 - e. Audio tapes obtained in criminal investigations will be retained at the local FHP station. General public records requests for audio tapes shall be made through the local crash records section.
 - f. Video evidence in a criminal investigation shall be submitted to the E/P control function prior to the end of the member's shift.
10. Fingerprint evidence recovery when the situation warrants collection of this type of evidence.
 - a. Recovery of latent fingerprints rests with the lead investigator. A determination of the need for retrieval of latent prints shall be made at the onset of the investigation.

- b. The Florida Department of Law Enforcement (FDLE) or local crime scene units may be called to a scene when a more detailed recovery of latent fingerprints is needed.
 - c. Latent fingerprints discovered and collected as a result of a member's investigation shall be properly packaged before the evidence is submitted to a crime lab for proper processing and identification.
 - d. Prior to submitting the fingerprint evidence to a lab, the lead investigator shall complete the E/P Receipt (HSMV 61802) and ensure that it is delivered to the E/P control function before the end of the member's shift.
- 11. Sketching the crime scene by the lead investigator. The sketch will include all critical dimensions of the scene whereby an accurate reconstruction of the incident can later be achieved if needed. This does NOT apply to diagrams of a vehicle crash scene which are addressed in both the THI Manual and Chapter 17.04 of the FHP Policy Manual.
- 12. The seizing of computer equipment and preservation of data. A person trained in computer forensics and data recovery shall be consulted and should assist in every step of the seizure.
 - a. To ensure that all relevant equipment is seized, a computer expert should be involved in the preparation of the search warrant application.
 - b. The computer expert should accompany the investigator in the service of the warrant.
 - c. If no computer expert is available to assist in seizing computer equipment, procedures outlined in the FDLE Crime Laboratory Evidence Submission Manual should be followed.
- 13. Adherence to all policies and procedures which apply to the proper collection, preservation, and submission of evidence.

C. The Division shall ensure:

- 1. That members receive proper training to enable them to investigate, preserve and collect evidence, and to accurately record and systematically process any crash or crime scene that may be assigned to them during the performance of their duties.
- 2. That members have available to them all forms necessary to initiate and complete a thorough and comprehensive crash or crime scene investigation.
- 3. That members have access to adequate supplies and equipment necessary for crime scene preservation and the safe and proper collection, recording, packaging, storage, and processing of evidence/property.

12.01.06 PROCEDURES

- A. The protection of any crime scene is most important. Therefore, the responsibility to protect the scene rests with the first member who arrives unless and until relieved of such responsibility as provided in Florida Highway Patrol Policy Chapter 22.01. Depending upon the severity of the crime or crash, the following should be considered:
1. Crime scene search - Conduct a crime scene search to locate physical evidence or witnesses to the crime.
 2. Protection of the crime scene - Allow only those persons with a legitimate investigative interest into the crime scene area and document their names and purpose in the investigative report.
 3. Conduct a preliminary survey - This is a planning stage to form objectives of the search.
 4. Write a narrative description of the crime scene - This is the investigator's original notes which can be used to refresh his/her memory at a trial.
 5. Sketch the crime scene - A rough sketch of the scene shall be prepared and exact measurements of all pertinent details penciled in.
 6. Photograph the crime scene - The exterior and interior should be photographed.
 7. Collect, identify, and preserve the evidence:
 - a. Collection:
 - (1) Evidence must be collected legally in order to be admissible in court.
 - (2) When found during a search, evidence should be displayed immediately to another investigator, if present, so both can testify as to its source.
 - (3) All evidence should be fully described in the field notes, and photographed prior to being picked up.
 - b. Identification:
 - (1) All evidence should be carefully marked for identification, preferably on the article itself.
 - (2) Markings should include initials, date, time, case number, location of seizure, and any information to assist the member in identifying the evidence at a later date should be noted.

8. The member making the seizure will ensure that all seized and recovered items with serial numbers are checked through FCIC/NCIC and local networks.
 9. The member making the seizure will provide recovery information to the duty officer for entry into the FCIC/NCIC system if the owner is determined. If the item is considered lost property without an identifiable owner, the duty officer will be instructed to enter the serial number and classify the item accordingly in the FCIC/NCIC system. The member will provide a copy of the accompanying report for retention in the regional communications center files. If the item remains unclaimed after advertisement and is either returned to the finder or becomes vested to the state for appropriate disposal, the E/P custodian will notify the duty officer to remove the article from the FCIC/NCIC network. The member will make the appropriate notation on a supplement to the accompanying report for placement in the E/P case file, along with an attached computer printout validating removal of the item from the network.
 10. When a member takes into possession property known to be stolen, verification will be made to ensure that the originating agency and the victim have been notified of the recovery of the stolen property, where it is stored, and how it may be recovered by the rightful owner as expeditiously as possible.
 11. All evidence/property in Division care must be listed on the E/P receipt, and the circumstances under which it came into the member's possession shall be explained in an accompanying report.
 12. Members will not, under any circumstances, convert to their own use, loan, or give away any items of evidence/property coming into their possession in the course of their official duties. They shall not destroy or otherwise dispose of any such evidence/property except by proper authority established in the FHP Policy Manual, the DHSMV Management Manual, and state law.
- B. Proper collection, preservation, handling, and safekeeping of any and all physical evidence or property will begin immediately when coming into a member's possession. Receipts for any such evidence or property will be prepared and a copy given to the person(s) from which the evidence or property was received.
1. Any evidence or property seized or recovered will be documented on the E/P receipt to ensure that all critical information is properly recorded and logged. This information includes, but is not limited to:
 - a. FHP Case number, THI case number, and "other agency" case number.
 - b. Name and address of owner or possessor.
 - c. Address or location from where evidence or property was collected or removed.
 - d. Date and time evidence or property was collected.

- e. Detailed description of the evidence or property including make, model, size, color, serial number, and condition.
 - f. The precise location, using such references as distance and direction, from where each item was collected.
 - g. The exact number, amount and/or weight, where applicable, of sensitive items such as drug packages, pills, currency, and bullets shall be recorded on the E/P receipt.
 - h. The total number of items collected or removed.
 - i. The name and ID number of the collector or receiver.
 - j. All of the above information will be contained in a comprehensive report prepared by the lead investigator, a copy of which will be attached to the E/P receipt.
2. Only standard times will be entered on the E/P receipt and E/P computer program; not "military" time.
 3. If multiple items sharing the same FHP case number were collected at distinctly separate times and locations, these distinctions will be noted on the E/P receipt and accompanying report.
 4. In the "Item #" section of the E/P receipt, sequential three digit numbers for each item will be entered: for example, "001", "002", etc.
 5. If a member is submitting the evidence/property to a TSF or VIF, the identification number of the storage facility will be entered by the member in the "Received By" section on the chain of custody portion of the E/P receipt: for example, "TSF-1-A", "VIF-3", etc.
 - a. The member will enter the word "Safekeeping" in the "Reason" section.
 - b. The E/P supervisor removing the evidence/property from any of these storage facilities will complete the chain of custody portion with their signature in the "Received By" section. If the property is being simultaneously moved into the EPR without any time delay, the words "Placed in EPR" should be entered in the "Reason" section. If the property is being relayed to an EPR that is at a separate site off the premises, then the words "Relay to EPR" should be entered in the "Reason" section. Upon arriving at the destination of the EPR, enter the words "Placed in EPR" in this section.
 6. A copy of the E/P receipt will serve as the receipt for the person from whom the evidence or property was received, including that person's name, address, other identifiers, and signature (if obtainable).

- C. Unless instructed by the court to do otherwise, firearms and weapons received by a member will be handled in the following manner:
1. In the event that "an arrest" is made and a firearm, electric weapon or device, or any other weapon is seized, the member will deliver the weapon to the sheriff of the county or the chief of police of the municipality wherein the arrest is made (Section 790.08, F.S.).
 2. In the event that a weapon comes under the Division's control in a "non-arrest situation," the following guidelines shall be adhered to:
 - a. If the owner of the firearm, electric weapon or device, or any other weapon cannot be easily contacted (i.e., crash victim, etc.), the member will complete an E/P receipt for the weapon.
 - b. The member shall ensure that such weapons are submitted to the E/P control function or delivered directly to the sheriff's office before the end of the member's work shift.
 - c. If a firearm, electric weapon or device, or other type of weapon is not claimed by its owner within 60 days of seizure, it shall be removed from the E/P control function no later than the 60th day and delivered to the sheriff of the county in which it was seized.
 3. Firearms will be safely unloaded upon seizure and prior to delivery to the Sheriff or the FHP E/P control function. If, due to the peculiarity of the weapon, the member is unsure as to the safe manner in which to unload a particular firearm, the member will contact a supervisor and/or FHP firearms instructor for assistance. Under no circumstance shall an untrained person attempt to unload a firearm. All firearms (loaded or unloaded) used in the commission of a crime shall remain untouched until it is viewed by the appropriate lead investigator and processed by a crime scene technician.
- D. Members who take possession of any evidence/property with identification or serial numbers shall check those items through both FCIC/NCIC and local networks and document this action in the appropriate section of the E/P receipt.
- E. Any transfer of custody, including the relaying of all or any part of the materials, will be documented in the chain of custody section of the E/P receipt and E/P computer program.
1. Regardless of whether the transfer was between the collection point and the E/P storage facility, or subsequently transferred and documented on another form, copies of the transaction documents will be placed in the E/P case file. If requested, additional copies will be made to ensure that each intervening person has a copy of the transaction.
 2. Receipts from laboratories, sheriffs, prosecutors, postal/parcel carrier services or other agencies receiving the articles will be promptly submitted to the E/P control function and placed in the respective E/P case file.

- F. There may be an incident that arises where a crime scene unit is requested by the lead investigator. If this occurs, a supervisor may request assistance from the FDLE or local crime scene unit. When these crime scene units are not available, arrangements should be made to ensure the proper handling of all critical evidence or property.
- G. All evidence submitted to a laboratory for analysis shall be returned directly to the E/P control function and not the lead investigator.